

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 9054 – SB 9016

October 27, 2021

SUMMARY OF BILL: Prohibits certain state governmental bodies and officials, public education entities, and child care programs from requiring a student, teacher, or other school personnel to quarantine due to conditional COVID-19 exposure. Requires certain public education entities and child care programs to implement a policy authorizing teachers and students to attend school following conditional COVID-19 exposure by November 30, 2021. Establishes restrictions on certain public officials and entities during a state of emergency or natural disaster.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The provisions of the bill could jeopardize federal American Rescue Plan funds allocated for state use. The amount and timing of the funds that will be jeopardized is unknown and cannot reasonably be determined.

Assumptions:

- Tennessee received \$2,489,423,407 in education relief funding from the ESSER grant in ARP Act administered by the U.S. Department of Education (USDOE).
- The ARP program requires districts to submit "Safe Return to In-Person Instruction and Continuity of Services Plans" to the Department of Education for review and approval.
- These plans are intended to address key school health and safety policies and strategies and to explain a school's or LEA's role in contact tracing in combination with isolation and quarantine.
- The U.S. Department of Education requires each plan to describe how the LEA will maintain the health and safety of students and teachers and how any adopted policies follow the safety recommendations of the Centers for Disease Control and Prevention (CDC).
- If the quarantine procedures set forth in the proposed legislation conflict with the quarantine procedures developed by LEAs or any other aspects of a district's approved plan, then LEAs may risk losing federal funding.
- Based on the requirements of the ARP Act of 2021 and the quarantine procedures outlined in the proposed legislation, the state and LEAs would be in violation of the ARP ESSER requirements regarding quarantine procedures, contact tracing, and other elements of each district's approved plan.

- Therefore the state would be jeopardizing up to \$2,489,423,407.00 in federal relief funding for the state and LEAs.
- If USDOE finds the state to be in violation of the ARP Act, then it is likely that USDOE would seek corrective action that could jeopardize an undeterminable amount of federal relief funding
- The exact amount of funding withheld would be at the discretion of USDOE.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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